

Docket No.: 041-1903A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of

Takeo OHISHI et al.

Serial No. 09/434,161

Filed: 11/04/1999

For: PACKET DATA RECORDING/REPRODUCING APPARATUS

Group Art Unit: 2615

Examiner: BOCCIO VINCENT F

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APR - 5 2004

OFFICIAL

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

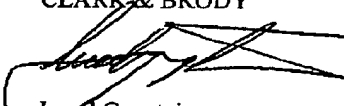
Transmitted herewith is an Election With Traverse in the above identified application.


- ☒ No additional fee is required.
- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	22	22	0	x \$ 18 =	\$ 0.00
Independent Claims	10	10	0	x \$ 86 =	\$ 0.00
If multiple claims newly presented, add \$					\$0.00
Fee for extension of time					\$0.00
Fee for Notice of Appeal					\$0.00
TOTAL FEE DUE					\$0.00

- ☐ Form 2038 authorizing payment in the amount of \$0.00 is attached
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 50-1088, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,
CLARK & BRODY
Israel Gopstein
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(202) 835-1111
(202) 835-1755 (fax)
Date: April 5, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Fax no. (703) 822-9314, on the date shown below. April 5, 2004  Israel Gopstein Registration No. 27,333

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of

Takeo OHISHI et al.

Serial No. 09/434,161

Filed: 11/04/1999

For: **PACKET DATA RECORDING/REPRODUCING APPARATUS****RESPONSE TO ELECTION REQUIREMENT WITH TRAVERSE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action mailed March 5, 2004, consonant with the requirement set forth therein applicants provisionally elect herein species II, identified by the Examiner as relating to the embodiment illustrated by Fig. 8, for further prosecution in the application. Applicants submit that claims 3-4, 20-21 and 22 are readable on the (provisionally) elected species.

However, applicants respectfully traverse the requirement for the following reasons.

It is first noted that the Examiner has already considered, and examined, *all* pending species and that, accordingly, prosecution would be expedited by continued examination of all species in the present application.

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April 5, 2004

Thus, in the Action of July 30 2003, claims 3, 20, 22, 38, 40 and 41, along with claims 4, 21, 39 and 42-44 dependent therefrom (each relating to recording method or apparatus), as well as claims 14, 16 and 23 along with claims 15 and 24 dependent therefrom (each relating to reproducing method or apparatus) and claim 28 and claims 29-32 dependent therefrom (relating to a receiver) were each considered and examined by the Examiner.

In response to the prior Action, applicants amended claims 14, 16 and 23 to add thereto (and to claims depending therefrom) recording method or apparatus, as previously present in the application. Claims 28 and 29 were also amended.

It is thus respectfully submitted that the prior amendment did not introduce limitations to claims 14, 16 and 23 which had not been previously considered and examined, and therefore that the prior amendment did not present any basis for belatedly requiring restriction/election of the application claims.

Therefore, it is courteously requested that the election requirement be withdrawn, and that prosecution of all claims relating to recording or reproduction, specifically claims 3, 20, 22, 38, 40 and 41, as well as claims 14, 16 and 23, along with claims 4, 21, 39, 42-44, 15 and 24 dependent therefrom, continue in the present application.

If the Examiner nonetheless requires further restriction and election, however, applicants respectfully request that the claims readable on species VII and VIII, illustrated in Figs. 9 and 10 for example, should be examined in the application. That is, applicants submit that the subject matter of claims 14-15 and 23-24 (readable on Fig. 9)

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and claim 16 (readable on Fig. 10) is closely pertinent to the subject matter of claims 3-4, 20-21 and 22, which are readable on elected species II.

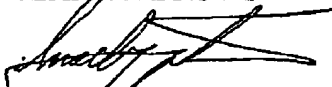
*Species II
Figs. 8*

Accordingly, having provisionally elected claims 3-4, 20-21 and 22 for further prosecution, applicants submit and request that claims 14-15, 16 and 23-24 should properly be examined in the present application.

Having fully responded to the election requirement of March 5, 2004, applicants submit that further examination of the merits of the application is in order and the same is courteously requested.

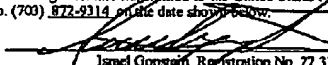
The Examiner is requested to inform the undersigned if any further issues or questions should arise with respect to the application.

Respectfully submitted,
CLARK & BRODY



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